

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**COLORQUICK, L.L.C.,**

**Plaintiff,**

**vs.**

**VISTAPRINT LIMITED and  
OFFICEMAX INCORPORATED,**

**Defendants.**

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**CASE NO. 6:09cv323 LED-JDL**

**JURY DEMANDED**

**ORDER**

Before the Court is Colorquick's Motion to Strike Vistaprint's Section 282 Statement (Doc. No. 223), Colorquick's Motion to Preclude Vistaprint's Ensnarement Defense to Infringement (Doc. No. 228) and Vistaprint's Cross-Motion to Preclude Expert Testimony (Doc. No. 242). The Court heard argument on June 13, 2011. Upon consideration of the parties' arguments, the Court **ORDERS** as follows:

- Colorquick's Motion to Strike (Doc. No. 223) is **GRANTED**. Vistaprint's § 282 Statement is stricken. In addition, Vistaprint is precluded from presenting any evidence relating to prior inventorship or a 35 U.S.C. § 102(g) defense. The remaining relief requested by Colorquick, *i.e.*, striking prior art references<sup>1</sup> and striking witnesses that will testify to prior use, is denied.
- Colorquick's Motion to Preclude the Ensnarement Defense (Doc. No. 228) is **DENIED**. Each party shall make its expert available for a deposition of no more

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<sup>1</sup> Vistaprint has represented it will limit prior art references to those disclosed in Vistaprint's expert report.

than one hour on the ensnarement issue prior to the expert's trial testimony.

- Vistaprint's Cross-Motion to Preclude Expert Testimony (Doc. No. 242) is **DENIED.**

In addition, the parties are **ORDERED** to submit to the Court the hypothetical claims to be used to aid in the ensnarement inquiry no later than 5:00 p.m. on Tuesday, June 14, 2011. The parties are encouraged to agree on the hypothetical claims. Should the parties be unable to agree on the hypothetical claims, the parties shall submit competing proposals by the deadline recited above.

**So ORDERED and SIGNED this 14th day of June, 2011.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE